



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 10120

PERMIT 5883

LICENSE 3939

THIS IS TO CERTIFY, That M. and R. Sheep Company
Route 1, Box 570
Bakersfield, California

Notice of Change (Over)

has made proof as of September 17, 1953,
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Cottonwood Creek in Mono County

tributary to Mono Lake

for the purpose of irrigation and stock-watering uses
under Permit 5883 of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from February 17, 1941;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed one (1) cubic foot per second
to be diverted from about April 1 to about July 1 of each year.

The equivalent of such continuous flow allowance for any thirty day period
may be diverted in a shorter time if there be no interference with other vested rights.

The points of diversion of such water are located (1) South one thousand four hundred nine (1409)
feet and west one thousand five hundred eighty-four (1584) feet from NE corner of
Section 21, T 3 N, R 27 E, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 21.
(2) South three hundred fifty (350) feet and west one hundred fifty (150) feet from
NE corner of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21, T 3 N, R 27 E, MDB&M, being within NW $\frac{1}{4}$
of SE $\frac{1}{4}$ of said Section 21.

A description of the lands or the place where such water is put to beneficial use is as follows:
irrigation of 10 acres within W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 21, T 3 N, R 27 E, MDB&M, and
stock-watering uses within E $\frac{1}{2}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 21 and W $\frac{1}{2}$ of NE $\frac{1}{4}$ and
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, T 3 N, R 27 E, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

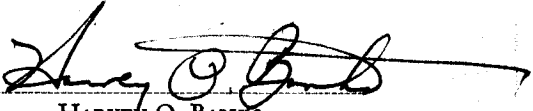
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public
Works of the State of California, this 3rd
day of June, 1954

A. D. EDMONSTON, State Engineer

By 
HARVEY O. BANKS
Assistant State Engineer

7-29-67 RECEIVED NOTICE OF ASSIGNMENT TO Thyng M Ranch
11-5-74 RECEIVED NOTICE OF ASSIGNMENT TO Burns and
1101 1st Ave Hilton

LICENSE 9999

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO M and R Sheep Company

DATED

85587 8-53 3M SPO

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 10120 Permit 5883 License 3939

ORDER AMENDING LICENSE

WHEREAS:

1. License 3939 was issued to M and R Sheep Company and recorded at the office of the Mono County Recorder on June 16, 1954.
2. License 3939 was subsequently assigned to Barron Hilton.
3. License 3939 confers upon Barron Hilton an appropriative right to use water from Cottonwood Creek tributary to Mono Lake in Mono County.
4. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (Inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.
5. The License was issued without referencing compliance with Section 5937.
6. Since amendment of License 3939 to require compliance with Fish and Game Code Section 5937 is a ministerial action, this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in accordance with Section 21080 of the Public Resources Code.

NOW, THEREFORE, IT IS ORDERED THAT:

The following condition is added to this License:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

Dated: **JUNE 16 1997**

Walt Pettit

Walt Pettit
Executive Director